

RECEIVEDIN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOISMAR 14 2008
Mar 14 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

United States of America ex rel.

Reginald J. Brewer 20070062617

(Full name and prison number)

(Include name under which convicted)

PETITIONER

vs.

08CV1538

JUDGE DOW

MAG. JUDGE BROWN

- STATE ILLINOIS(Warden, Superintendent, or authorized
person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank only if judgment
attacked imposes a sentence to commence
in the future)

ATTORNEY GENERAL OF THE STATE OF

ILLINOIS

(State where judgment entered)

Case Number of State Court Conviction:

CR 0681001 ILBRI review

PETITION FOR WRIT OF HABEAS CORPUS -- PERSON IN STATE CUSTODY

1. Name and location of court where conviction entered: BRIDGEVIEW ILLINOIS10220 SOUTH 76TH AVENUE.2. Date of judgment of conviction: 6-18-07

3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)

possession of controlled substance4. Sentence(s) imposed: 13 months felony probation

5. What was your plea? (Check one)

~~(A) Not Guilty~~ ()

(B) Guilty ()

(C) Nolo contendere ()

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

I pleaded guilty cause for would not go to jail

PART I -- TRIAL AND DIRECT REVIEW

1. Kind of trial: (Check one): Jury () Judge only (✓)
2. Did you testify at trial? YES (✓) NO ()
3. Did you appeal from the conviction or the sentence imposed? YES () NO (✓)

(A) If you appealed, give the

- (1) Name of court: N/A
- (2) Result: _____
- (3) Date of ruling: _____
- (4) Issues raised: _____

(B) If you did not appeal, explain briefly why not:

At the time I did not know how to!

4. Did you appeal, or seek leave to appeal, to the highest state court? YES () NO (✓)

(A) If yes, give the

- (1) Result: N/A
- (2) Date of ruling: N/A
- (3) Issues raised: N/A

(B) If no, why not: N/A

5. Did you petition the United States Supreme Court for a writ of *certiorari*? Yes () No (✓)

If yes, give (A) date of petition: _____ (B) date *certiorari* was denied: _____

PART II -- COLLATERAL PROCEEDINGS

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES () NO (✓)

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

A. Name of court: _____

B. Date of filing: N/A

C. Issues raised: _____

D. Did you receive an evidentiary hearing on your petition? YES () NO (✓)

E. What was the court's ruling? N/A

F. Date of court's ruling: N/A

G. Did you appeal from the ruling on your petition? YES () NO (✓)

H. (a) If yes, (1) what was the result? N/A

(2) date of decision: _____

(b) If no, explain briefly why not: N/A

I. Did you appeal, or seek leave to appeal this decision to the highest state court?

YES () NO ()

(a) If yes, (1) what was the result? N/A

(2) date of decision: N/A

(b) If no, explain briefly why not: I did not know how to need help

2. With respect to this conviction or sentence, have you filed a petition in a state court using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES () NO (X)

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding _____

2. Date petition filed _____

3. Ruling on the petition _____

3. Date of ruling _____

4. If you appealed, what was the ruling on appeal? _____

5. Date of ruling on appeal _____

6. If there was a further appeal, what was the ruling? _____

7. Date of ruling on appeal _____

That Judge would have said NO!

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in federal court? YES () NO (X)

A. If yes, give name of court, case title and case number: N/A

B. Did the court rule on your petition? If so, state

(1) Ruling: N/A

(2) Date: N/A

4. WITH RESPECT TO THIS CONVICTION OR SENTENCE, ARE THERE LEGAL PROCEEDINGS PENDING IN ANY COURT, OTHER THAN THIS PETITION?

YES (X) NO ()

If yes, explain: I have this same charge by the same cop, I have to sit this down with him see me its all bout drugs And this not what it is!

PART III -- PETITIONER'S CLAIMS

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.

- (A) Ground one The Same cops are Lock me up 3 Times And
Supporting facts (tell your story briefly without citing cases or law):

each time they say I saw him throw Durg too the
ground not true they found the Durg in the car
with i was not in search and seizure offer Harri's
14060 is doing what she want to And if she find Durg
she will stake i saw him throw it look at
How money case she say he throw it this
what cop are saying to get me locked up!!!!

- (B) Ground two Case NO 07-CR-18819 Transcript ^{preliminary}
Supporting facts:

hearing on 3/21/07. On this day duty sworn Jennifer
Harri's 14060, 6th district stake A concerned citizen received
me down after leaving the station and stated that she
noticed a male black wearing all black attire was
at 343 west 79th street at the Kew-Forest Cushing Station
standing next to a dark colored red Escalade selling
narcotics? I did not hear an all Black Attire

(C) Ground three The witness was not in court to see me
Supporting facts:

OR DID NOT PICK ME OUT OF A LINE UP. I WITNESS THE
COS CAME INTO THE COURT I WAS TALKING TO A JUDGE AT
HER CAR NOT AT STANDING MY CAR LIKE THE SAY SHE
PICK UP MY KEYS AND WENT IN THAT TRUCK OR
HER OWNED TRAY PAID ME DOWN NOTHING AND MORE BUT
JOINED USC TAKE EVERYTHING OUT YOUR PACKS MONEY WITNESS
DID TO GET THIS MONEY FORMER AND WITH THE KEY TO

(D) Ground four The truck came out she stand still not
Supporting facts:

WITNESS DID TO GET THIS FORM SHE PICK UP MY KEYS
AND WENT IN MY TRUCK AND LIKE HE DROPE A BIG
OF WEB TO THE GROUND FACT I DID NOT HEAR ANYTHING
SHE GOT THE FIRST BLACK MARK SHE SAW WHICH
WAS ME! THE OFFICER JUST LOOK AT THE REPORTS
NO 07C000332 (NO-07-CH-18819) THIS 2 PAPER SHOULD BE
THE SAME THAT ARE NOT WHY? DO WHAT EVER IT TAKES
TO WIN CROSS AT OTHER PEOPLE EXPENSES!

2 Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES () NO (☒)

3. If you answered "NO" to question (16), state briefly what grounds were not so presented and why not:

MY ATTORNEY JOSEPH DID NOT DO HIS JOB

Ground three ^E (H)

SUPPORTING FACTS

MY ATTORNEY Joe would not go to trial HE ALSO Did not get
void Tape Form 343 West 29th Street at check cashing
station which is open 24 hour day 365 days a year so
said there was no tape the lady at the check cashing place
told me there is void tape your Attorney would have
to get it i know this so i told him ALSO I told
him that i was talking 2 guys that I play Baseball
with i saw the lady who I had got her phone
number from so I told MY ATTORNEY i had 3 witnesses
he never ves or ask me if that name or number
he said i will win this case in a motion well
we did not have no Defences! Appellant further con-
tended that he was denied due by admission. Specif-
ically he claims that lineup was unduly suggestive
and violated the Fourteenth Amendment. However a finding
of unnecessary suggestiveness need not require the
exclusion of identification evidence one must then
assess the risk hood of misidentification by weighing such
external factors as the opportunity at the time of the
crime the witness degree of Attention The Accuracy of the
prior description by the witness at the confrontation
And the length of time between the crime and the
confrontation Now if you get the notes 400 N. Surper
The police's Reports will not match!

Ground Three supporting Facts (7)

Facts Joe was an EX Judge He know his way around the court for this why it's ineffective assistance because defense counsel He just let me out my money He did NO WORK I want to go to Jail He quite on me 6-18-07 But He told me He dont need my witness if He had to go to Jail see He know He was not going to make money on this case He chase me 200 over time we went to court then win it some time He want 300 He thought He was going to win in a mansion I told Joe I see what was going on He want in there to a Deal Because He stude you want go to jail I know that what Joe did in could have have a PUBLIC DEFENDER And kept my money. in this here in state time cop got the Black Bag out the truck Judge Lenahan stude that was good note for him case in did not sent the drug war in mine in told the court that did not show me know drug just a Black Bag I was denying the truck ALSO if drug war there I did not know But she got the Bag the Roger what she NO reason to go in the truck I was 20 to 30 feet away from the truck Joe did not tell how and what was probation just look at the paper work in try to get him to go to Jail on the case He would NO go He did NOT want to work.

G B.

Defendant Joe Macellaio

This what Joseph M. Macellaio ^{did} ~~did~~ not do in court. The law require the trial court to conduct some type of inquiry into the underlying factual basis, if any, of a defendant's post-trial claim of ineffective assistance of counsel. Defendant alleged for instance, that his trial counsel failed to subpoena witnesses. The record does not reveal who these witnesses were or subpoena voided three witnesses. The record does not reveal who these witnesses were or what they would have said on the stand. Defendant also alleged that trial counsel refused to use any of his suggested questions in cross-examination. Although cross-examination is generally a matter of trial strategy is impossible for an attorney to render ineffective performance in cross-examination. If the cross-examination was objectively unreasonable, it can amount to ineffective assistance if the defendant suffered prejudice. Who knows what alleged deficiencies in cross-examination that defendant had in mind because the trial court never asked me that why I hair for case. He was a judge he know his way around the court room well. The case don't show it #07CR 06810 I could not go to trial case the record will show he give out me if you look back he did not have a check in win the case with no witnesses or no tape! He told me I don't need them I will win in a motion! Now comes the new case (07CR 18819) He came to court Sept 4-07 once again not ready we lost again he did not come to the back and talk to me what was his defenses if next? And he did not come back at all! This is what he could say that the same cop Habiak 9921 has attest me three times and he is call my name saying here we go again one of the case

was thrown out I don't know the case number But it was
At 111, Ellis St 1707 1:00 cell we were losing unit & spoke
up And the judge let me take And that how we won!
Joe had a lot to use But he did not it like Joe had lost
it like M JORDAN he lose for ever now what he stand out
with he don't know how to charge the officers up or
he just did not believe me case win we lost he said to
me one day you know that chalk cast place I want it then
And it like you said I was dead! Joe did not have
good feeling about me! And he should not took the
case!

H

One more thing my lawyer JOE did NOT do in this
 trial he did NOT cross the other cop Habiak 9921 How
 would you catch the cops up with only one was on the stand?
 The judge was not going too brutal me over the cop with
 no other witnesses. This with also was not call I sold out
 BY my lawyer I dont care what ~~my lawyer~~ say had made
 a deal with out my NO! JOE McELHARD SHOULD LOSE LIVES
 BE WIND THIS TOO HE WAS A JUDGE AND HE USE THIS
 TOO MAKE YOU HATE HIM TOO HE STATE I KNOW HIM
 I KNOW HER IN COURT ROOM WE WERE IN THAT BAR OVER
 THE MAN LIKE HE WAS NOT THEIR! LOOK BACK AT THE
 Transcript preliminary hearing 3/2/07 CASE NO 07-CR-18819
 NO. 07MCL 110429 CHARITA CHANCELLOR OFFICIAL COURT REPORTER
 LICENSE NO. 084-002056. Dont get me boys I LOVE SORCERS a
 person win it come too get down in the court room faster
 time has come HE cant keep up know more I told him
 HE AND I TALK ABOUT THIS HE STATE THAT YOU ITS TIME I
 HAVE MADE A LOT OF MONEY HE SAY HE DONT NEED MONEY
 BUT THAT NOT FOR ME TO DECIDE IT UP HIM I LIKE 300 SO
 MUCH I DID NOT ^{WANT TO} SEE ^{HIM} DO WHAT M. JORDAN DOWEN COME BACK
 WITH HE SHOULD HAVE SET DOWN THERE TO COPS HAVE BEEN ONE
 MAN EVER CATCH THAT SWICH POLICE REPORTS AND ^{ME} NOTHING WAS DONE
 THAT SEARCH ME NOT RIGHT HABIAK 9921 WAS HOLDING 20 FEET
 AWAY WITH HIS PERMAN JENNIFER HARRIS 14060 6th District was
 go throw my truck she pick the keys up OFF THE CAR hit the
 keys Enter the stair up say hell NO WHEN DID YOU GET
 THIS TRUCK TOPMA RED SCALDED THIS WAS A LOT OF DOPP

case OR I saw him there it this time ~~WAX~~ Ticed us
 BY THE Chicago Police to get you convicted! And it working Real
 good The probable cause Judge ask Fall for this truck
 Linx AND Sunkers! Criminal Division must look in too this
 Beces if a cop Just started hear she saw him there & drop
 something this in hold fruit of search which gives The cops
 probable cause Joe never front the case Right The case was
 To Fame up He should have act it stop play the case Down
 Attack a perfect case seem air tight attack it for its perfection
 And strength Joe should have Argue that the case is ENTIRELY improb-
 able because of its very perfection It has been built up too
 strongly It is impossible for every body to give a perfect
 account of what took place UNLESS they lived or were Thoroughly
 rehearsed And coached! people just don't not see thing in an
 identical way when the in positions and chances for obser-
 vation vary the case is a FLAM UP! cont 2 a lady stop cops
 And state it is a Black Male in All Black clothing selling drugs
 2 The lady was not thin I was ching too far my AUSE
 And she did not face me or pick me out no more up river
 That Champ The first Black male that saw! was me 3
 I was not stand by know Turk Lin that came in too
 The 1st The ask me too come here I went to them on
 MY OWN I did not have know drug over me just put Rent
 money which I want Back ALSO MY TURK TOO! These
 cops volume 4-14 And Right 2 Time in one search!

I

Joe also never came too see me. I ask him to come talk me
 not my attorney. I told Joe I don't like know never take my money
 right before court. That was too wild ^{type} take that lot ^{has} been
 waken 365 days a year. I had ~~maintenances~~ it was a
 lot of people out their than day cashing income taxes
 that day won you get money ever one was happen that
 what I walk back on side because that were call
 taxes ~~placis~~ ^{placis} together if the checks was. The ~~perp~~
 who was bring them in to use too walk right down the
 street at time of the arrest. He told me he breakfast
 court bail all the time. He never came too see me!
 state ARDC He did not file motion to suppress on your behalf
 being frivolous. He did not work the case. How he know I have
 3 witnesses. He told I want to go to jail. He tells me about the cop
 did not want you to get the price. I did not want the price
 this man was a judge he should know his way around the
 court room! legal services was not right. He too me we should
 have won at parimur hearing also motion to suppress. He told me
 that was reason to give my witness name & number with
 we go too jail with he was not going too do ~~anything~~
 it to men's house in this case state say I was ~~depress~~ in all
 black we parimur in court not turn office state I was stand
 by my truck also not turn can prove it. Their are 2 different
 report I want you too subenas the report CRO681001 ALSO 07C000
 332 Jennifer Harris 14060 6th district side on the other 2 times
 in open 3 times fact 1 citizen no show up in court this
 was a MURKUSHS PROSECUTOR By the state ARDC the first black man
 they saw with was me.

PART IV -- REPRESENTATION

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing JOSEPH M. MACKILLIP
- (B) At arraignment and plea JOE
- (C) At trial He would not go to trial
- (D) At sentencing JOE
- (E) On appeal Know attorney
- (F) In any post-conviction proceeding N/A
- (G) Other (state): N/A

PART V -- FUTURE SENTENCE

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES (☒) NO (☐)

Name and location of the court which imposed the sentence: BRIARVIEW ILL

Date and length of sentence to be served in the future 3 Year SRO

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: _____
(Date)

Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

Remond Brown
(Signature of petitioner)

70070662617
(I.D. Number)

2007066 COOK COUNTY DEPARTMENT
(Address)

OF CORRECTIONS P.O. BOX 089002

CHICAGO ILL 60608

REVISED 01/01/2001

REGINALD BREWER PLAINTIFF,

VS

CASE NO 0681001 -

PEOPLE OF THE STATE OF ILLINOIS

ASST. ATTORNEY GENERAL, 07C000332

MOTION TO Subpoena police Reports, ALSO ASST. ATTORNEY GENERAL UNIT Report 07C000332 in Court Room 104 Judge Lenahan continued to 7-23-07 continued again 8-6-07 in case NO 0681001 Motion to Suppress which was denied 8-6-07. The police officer JENNIFER HARRIS 140606TH DISTRICT NOT ONLY DID SHE LIE ON THE STAND SHE SWICH THE POLICE REPORTS IN ASST. ATTORNEY GENERAL CASE 07C000332 JUNE 21 COURT ROOM 110 1:00 PM CALL SHE SAW THAT I WOULD NOT HAVE THE POLICE REPORTS THAT CHARGES THEM SO IT DON'T SHOW THE LADY SHE SAW FLY HER DOWN AND TOLD HER ABOUT ME I WANT THE CHARGES TOO SIXTH AMENDMENTS accused "shall have compulsory process for obtaining witnesses in his favor. I WOULD HAD THIS CHARGES TOO! THIS REPORTS WILL SHOULD NOT HAVE BEEN ARREST BUT ALSO BECAUSE THE EVIDENCE IS INSUFFICIENT, TAINTED, AND AT MOST IT ONLY ESTABLISHES THE DEFENDANT'S PRESENCE AT THE SCENE OF CRIMINAL ACTIVITY AND NO KNOWLEDGE THERE OF IN THIS CASE. NO CRIME WAS IN PROGRESS AND IT WAS A MATTER OF MERE SPECULATION WHETHER ONE WOULD BE COMMITTED. THERE WAS INDICATION OF RELIABILITY SUCH AS THE APPREHENSION OF OTHER AND NO JUSTIFICATION FOR THE ARREST OF DEFENDANT! PROBLEM CAUSE DID NOT EXIST AT TIME OF DETENTION OR AT THE TIME POLICE OFFICERS SOUGHT TO MAKE ARREST AND SEARCH. THE APPLICATION OF LAWS SHOULD BE UNIFORM REGARDLESS OF THE CATEGORY OF OFFENSE OR THE PERSON SUSPECTED OF COMMITTING IT AND ALL STANDARDS SHOULD BE APPLIED IN ORDER TO PREVENT JURISPRUDENCE FROM BECOMING A POLICE STATE. TO OVER TURN THIS CHARGES IT WAS NOT TAIL RIGHT THE JUDGE WAS TOO TERRIBLE FOR THE STATE! HE TOLD THEM HOW TO REBUT MY MOTION I WAS GOING TO LOSE YOU KNOW TOO NOW I SEE WHY HE SAID YOU WILL LOSE! I NEED HELP I PROVE

Reginald Brewer